

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
 AND SPECIAL EXCEPTION – NW/S Holly *
 Neck Road and Maple Road * DEPUTY ZONING COMMISSIONER
 (1830-1834 Holly Neck Road) *
 15th Election District * OF BALTIMORE COUNTY
 6th Councilmanic District * Case No. 99-327-SPHA
 William J. Faber *
 Petitioner *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owner of the subject property, William J. Faber, through his attorney, John B. Gontrum, Esquire. The Petitioner seeks approval of two undersized lots, pursuant to Section 304 of the Baltimore County Zoning Regulations (B.C.Z.R.), and an amendment to the special hearing relief granted in prior Case No. 98-122-SPH to allow two separate lots. In addition, the Petitioner requests variance relief from the B.C.Z.R. for proposed Lots A and B as follows: For Lot A: From Section 1A04.3.B.1 to permit the creation of a lot of .292 acres in area, more or less, in lieu of the minimum required 1.0 acre; from Section 1A04.3.B.3 to permit side and rear lot line setbacks of 25 feet and 38 feet in lieu of the required 50 feet each, and street centerline setbacks of 53 feet and 59 feet in lieu of the required 75 feet; from Section 1A04.3.B.4 to permit lot coverage of 15.31% in lieu of the maximum allowed 15%; and from Section 400.1 to permit setbacks of 0 feet and 3 feet in lieu of the required 2.5 feet for an accessory building. For Lot B: From Section 1A04.3.B.1 to permit the creation of a lot .167 acres in area, more or less, in lieu of the minimum required 1.0 acre; from Section 1A04.3.B.3 to permit side and rear lot line setbacks of 3 feet, 39 feet, and 19 feet in lieu of the required 50 feet each, and to permit a street centerline setback of 48 feet in lieu of the required 75 feet; from

ORDER RECEIVED FOR FILING

Date

By

Section 1A04.3.B.4 to permit lot coverage of 21.27% in lieu of the maximum allowed 15%; from Section 400.1 to permit a setback of 0 feet in lieu of the required 2.5 feet for an accessory building, and to permit said accessory building to be located in the side yard in lieu of the required rear yard. In addition, relief is requested from Section 1A04.3.B.1 of the B.C.Z.R. to permit an existing gross residential density of 3.38 units per acre in lieu of the maximum allowed 0.667 units per acre for both Lots A and B. The subject property and relief requested are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitions were William J. Faber, property owner, William F. Bafitis and Clyde F. Hinkle, Professional Engineers with Bafitis & Associates, Inc., who prepared the site plan for this property, Keith Roberts, a representative of the Holly Neck Improvement Association and Back River Neck Peninsula Association, and Michael Flynn, a nearby resident of the area. There were no Protestants or other interested persons present.

Testimony and evidence presented revealed that the subject property consists of a gross area of 0.4589 acres, more or less, zoned R.C.5 and is improved with two single family dwellings known as 1830 and 1834 Holly Neck Road. This property was the subject of prior zoning Case No. 98-122-SPH in which the Petitioner came before me seeking approval of two houses on one lot, and the nonconforming use of same as multi-family dwelling units. In that case, testimony and evidence presented indicated that the dwellings were originally constructed as single family homes, but were converted by the Petitioner to create five apartments. The conversion of the houses into multi-family dwelling units took place well after the effective date for establishing a nonconforming use. Thus, by my Order dated November 24, 1997, I denied the Petitioner's request and required that the dwellings be converted back to a single family use. The Petitioner

ORDER RECEIVED FOR FILING
Date 11/22/99
By [Signature]

has since converted the houses back to single family uses and now comes before me seeking approval to subdivide the property to create two separate lots, each with one dwelling thereon. This will allow the Petitioner the flexibility to sell the property as two separate parcels. However, due to the size of the property, the two houses will not meet current setback requirements on their newly created lots. Furthermore, the overall size of the two lots to be created do not meet area requirements for R.C.5 zoned land. Thus, the requested special hearing and variances are necessary in order to proceed as proposed.

As noted above, Mr. Keith Roberts appeared in support of the Petitioner's request. Mr. Roberts appeared at the prior hearing in Case No. 98-122-SPH. Subsequent to the hearing and through later discussions between the community groups and Mr. Faber, the community agreed to support Mr. Faber in converting both structures back to single family dwellings and subdividing the property for future sale as separate lots. Therefore, Mr. Roberts appeared to support the Petitioner's request to allow the property to be subdivided to create two separate lots. It was also agreed that Mr. Faber would be permitted to continue to rent the houses as single family dwellings until such time as they are sold.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

ORDER RECEIVED FOR FILING
Date 5/22/09
By [Signature]

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, I am persuaded to grant the special hearing and variance relief requested. It has been established that special circumstances or conditions exist that are peculiar to the subject property and that strict compliance with the zoning regulations would result in a practical difficulty and unreasonable hardship for the Petitioner. In addition, the relief requested will not cause any injury to the health, safety or general welfare of the surrounding locale, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the special hearing and variance requests should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 22nd day of April, 1999 that the Petition for Special Hearing to approve the subdivision of the subject property into two undersized lots, pursuant to Section 304 of the Baltimore County Zoning Regulations (B.C.Z.R.), and an amendment to the special hearing relief granted in prior Case No. 98-122-SPH to allow same, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the B.C.Z.R. for proposed Lots A and B as follows: For Lot A: From Section 1A04.3.B.1 to permit the creation of a lot of .292 acres in area, more or less, in lieu of the minimum required 1.0 acre; from Section 1A04.3.B.3 to permit side and rear lot line setbacks of 25 feet and 38 feet in lieu of the required 50 feet each, and street centerline setbacks of 53 feet and 59 feet in lieu of the required 75 feet; from Section 1A04.3.B.4 to permit lot coverage of 15.31% in lieu of the maximum allowed 15%; and from Section 400.1 to permit setbacks of 0 feet and 3 feet in lieu of

the required 2.5 feet for an accessory building. For Lot B: From Section 1A04.3.B.1 to permit the creation of a lot .167 acres in area, more or less, in lieu of the minimum required 1.0 acre; from Section 1A04.3.B.3 to permit side and rear lot line setbacks of 3 feet, 39 feet, and 19 feet in lieu of the required 50 feet each, and to permit a street centerline setback of 48 feet in lieu of the required 75 feet; from Section 1A04.3.B.4 to permit lot coverage of 21.27% in lieu of the maximum allowed 15%; from Section 400.1 to permit a setback of 0 feet in lieu of the required 2.5 feet for an accessory building, and to permit said accessory building to be located in the side yard in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1A04.3.B.1 of the B.C.Z.R. to permit an existing gross residential density of 3.38 units per acre in lieu of the maximum allowed 0.667 units per acre for both Lots A and B, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

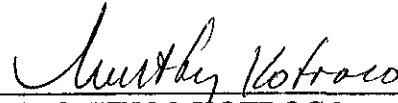
- 1) The Petitioner is hereby made aware that proceeding at this time is at his own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Pursuant to Section 502.2 of the B.C.Z.R., a separate deed for each lot incorporating a reference to this case and the terms and conditions set forth herein shall be recorded among the Land Records of Baltimore County within sixty (60) days of the date of this Order. A copy of the recorded deeds shall be forwarded to the Department of Permits and Development Management (DPDM) for inclusion in the case file.
- 3) Each house must have its own separate water and sewer connections.
- 4) Mr. Faber shall list the houses for sale in an attempt to ultimately have the properties owner-occupied. However, Mr. Faber shall be permitted to rent the houses until such time as they are sold.

ORDER RECEIVED FOR FILING

Date

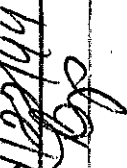
By

- 5) When applying for any permits the site plan filed must reference this case and set forth and address the restrictions of this Order.



TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR PLUG
Date 4/22/09




Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

April 16, 1999

John B. Gontrum, Esquire
Romadka, Gontrum & McLaughlin
814 Eastern Boulevard
Baltimore, Maryland 21221

RE: PETITIONS FOR SPECIAL HEARING & VARIANCE
NW/S Holly Neck Road and Maple Road
(1830 – 1834 Holly Neck Road)
15th Election District – 6th Councilmanic District
William J. Faber - Petitioner
Case No. 99-327-SPHA

Dear Mr. Gontrum:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Timothy Kotroco", is written over a light-colored background.

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. William J. Faber
1315 Old Eastern Avenue, Baltimore, Md. 21221
Code Enforcement Division, DPDM
People's Counsel; Case File

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 1830 - 1834 Holly Neck Road
which is presently zoned RC5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

two undersized lots pursuant to BCZR Section 304 + to amend special hearing
petition in case no. 98-122-SPH to allow 2 separate lots.
ucl

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print _____

Signature _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Attorney For Petitioner:

JOHN B. CONTRUM
Name - Type or Print _____

Signature [Signature]

Romacka, Contrum & McLaughlin
Company _____

814 Eastern Blvd (410) 686-8274
Address _____ Telephone No. _____

Baltimore, MD 21221
City _____ State _____ Zip Code _____

Legal Owner(s):

WILLIAM J. FABER
Name - Type or Print _____

Signature [Signature]

Name - Type or Print _____

Signature _____

1315 Old Eastern Avenue (410) 687-6006
Address _____ Telephone No. _____

Baltimore, MD 21221
City _____ State _____ Zip Code _____

Representative to be Contacted:

Name _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By _____ Date _____

Case No. 99-327-SPHA

Date 9/15/98

3/11/99
ucl

ORDER RECEIVED FOR FILING



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1830 - 1834 Holly Neck Road

which is presently zoned RC5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

See Attached

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

See Attached

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

JOHN B. GONTRUM

Name - Type or Print

Signature

Romadka, Gontrum & McLaughlin
Company

814 Eastern Blvd (410) 686-8274

Address

Telephone No.

Baltimore, MD 21221

City

State

Zip Code

Legal Owner(s):

WILLIAM J. FABER

Name - Type or Print

Signature

Name - Type or Print

Signature

1315 Old Eastern Avenue (410) 687-6006

Address

Telephone No.

Baltimore, MD 21221

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By Date

ORDER RECEIVED FOR FILING

Date 9/15/98

Replacement
Forms
3/11/99
wer

Case No. 99-327-SPHA

VARIANCES REQUESTED

PROPOSED LOT A:

1. FROM SECTION 1A04.3B.1 TO PERMIT CREATION OF A LOT OF .292 ACRES MORE OR LESS IN LIEU OF THE REQUIRED 1 ACRE.
2. FROM SECTION 1A04.3B.3 TO PERMIT SIDE AND REAR LOT LINE SETBACKS FOR A PRIMARY DWELLING OF 25' AND 38' IN LIEU OF THE REQUIRED 50'.
3. FROM SECTION 1A04.3B.3 TO PERMIT SETBACKS FROM THE CENTERLINE OF A STREET OR ROADWAY FOR A PRIMARY DWELLING OF 53' AND 59' IN LIEU OF THE REQUIRED 75'.
4. FROM SECTION 1A04.3B.4 TO PERMIT LOT COVERAGE OF 15.31% IN LIEU OF THE ~~REQUIRED~~ 15%. *Allowed*
5. FROM SECTION 400.1 TO PERMIT SETBACKS OF 0' AND 3' IN LIEU OF THE REQUIRED 2.5' FOR AN ACCESSORY BUILDING.

PROPOSED LOT B:

1. FROM SECTION 1A04.3B.1 TO PERMIT CREATION OF A LOT OF .167 ACRES MORE OR LESS IN LIEU OF THE REQUIRED 1 ACRE.
2. FROM SECTION 1A04.3B.3 TO PERMIT SIDE AND REAR LOT LINE SETBACKS FOR A PRIMARY DWELLING OF 3', 39' AND 19' IN LIEU OF THE REQUIRED 50'.
3. FROM SECTION 1A04.3B.3 TO PERMIT A SETBACK FROM THE CENTERLINE OF A STREET OR ROADWAY FOR A PRIMARY DWELLING OF 48' IN LIEU OF THE REQUIRED 75'.
4. FROM SECTION 1A04.3B.4 TO PERMIT LOT COVERAGE OF 21.27% IN LIEU OF THE ~~REQUIRED~~ 15%. *Allowed*
5. FROM SECTION 400.1 TO PERMIT A SETBACK OF 0' IN LIEU OF THE REQUIRED 2.5' FOR AN ACCESSORY BUILDING.
6. FROM SECTION 400.1 TO PERMIT AN ACCESSORY BUILDING IN A RESIDENCE ZONE TO BE IN THE SIDEYARD IN LIEU OF THE REAR YARD.

ON BOTH PROPOSED LOTS A AND B:

FROM SECTION 1A04.3B.1 TO PERMIT AN EXISTING GROSS RESIDENTIAL DENSITY OF 3.38 UNITS PER ACRE IN LIEU OF THE PERMITTED 0.667 UNITS PER ACRE.

ORDER RECEIVED FOR FILING

Date

By

PRACTICAL DIFFICULTY

The R.C. 5 zoned property currently has two (2) single family dwelling units on it and has been approved for this use. The two single family units have existed on the site for decades prior to the imposition of current zoning. Recently, public utilities have been extended to the site making subdivision feasible.

A subdivision of the property into two lots allows both lots to be used as owner occupied dwellings rather than rental units. The subdivision, however, requires the requested zoning variances. No new construction is proposed, and indeed removal of existing structures is suggested. The site is unique in the fact that it does contain two independent dwelling units, now not permitted in the regulations on an R.C. 5 lot served by public utilities. Failure to grant the variances would result either in destruction of one of the current buildings, which still would leave the other non-conforming building, or would require maintenance of the dwellings as rental property.

ORDER RECEIVED FOR FILING

Date

6/22/94
[Signature]



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 1830--34 Holly Neck Road
which is presently zoned RC5

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County to determine whether or not the Zoning Commissioner should approve

two undersized lots pursuant to BCZR Section 304 and for
Hearing Petition and Order and Site Plan for non-conforming use for two existing
single family dwellings in Case No. 98-122 SPH to allow two separate lots.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

We do solemnly declare and affirm, under the penalties of perjury that we are the legal owner(s) of the property which is the subject of this Petition

Legal Owner(s)

WILLIAM J. FABER

(Type or Print Name)

Signature

(Type or Print Name)

Signature

1315 Old Eastern Avenue (410) 687-6006

Address Phone No

Baltimore, MD 21221

City State Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted

Name

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following date _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: ucr DATE 2-19-99

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

JOHN B. CONTRUM

(Type or Print Name)

Signature

814 Eastern Blvd (410) 686-8274

Address Phone No

Baltimore, MD 21221

City

State

Zipcode

DROP. OFF
No REVIEW

99-327-SPHA



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1830 & 1834 Holly Neck Road

which is presently zoned RC5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

SEE ATTACHED

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

SEE ATTACHED

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

JOHN B. GONTIUM

(Type or Print Name)

Signature

814 EASTERN BLVD (410) 686-8274

Address

Phone No.

BALTIMORE, MD 21221

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s)

WILLIAM J. FABER

(Type or Print Name)

Signature

(Type or Print Name)

Signature

1315 OLD EASTERN AVENUE (410) 687-6006

Address

Phone No.

BALTIMORE, MD 21221

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Name

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY: uc

DATE 2-19-99

DROP OFF
NO REVIEW



99-327-SPHA



Bafitis & Associates, Inc.

ZONING DESCRIPTION
FOR
1830 AND 1834 HOLLY NECK ROAD

BEGINNING for the same at a point; on the Northside of Holly Neck Road 30' wide and the Westside of Maple Road 40' wide. Thence running and binding along Holly Neck Road;

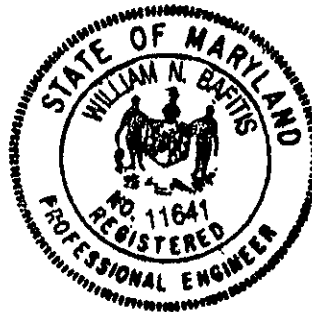
1) North $82^{\circ}-45'-00''$ West 100.00 feet to a point; Thence leaving said road the following two courses;

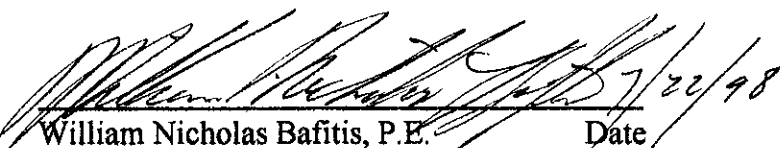
2) North $07^{\circ}-02'-00''$ East 199.80 feet to a point;

3) South $82^{\circ}-58'-00''$ East 100.00 feet to a point; on the Westside of Maple Road. Thence running and binding along Maple Road;

4) South $07^{\circ}-02'-00''$ West 200.00 feet to a point; at the place of beginning.

Containing 19,990 Square Feet or 0.4589 Acres more or less.




William Nicholas Bafitis, P.E.
Md. Reg No. 11641

Date

Seal

99-327-SPHA

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #99-327-SPHA

1830 & 1834 Holly Neck Road

NWC Holly Neck and Maple Roads

15th Election District -- 6th Councilmanic District

Legal Owner(s): William J. Faber

Special Hearing: to approve two undersized lots pursuant to BCZR Section 304 and to amend special hearing petition in case number 99-122-SPH to allow two separate lots. **Variance:** for proposed lot A (1830 Holly Neck Road) to permit a lot of .292 acres more or less in lieu of the required 1 acre, to permit side and rear lot line setbacks of 25 feet and 39 feet in lieu of the required 50 feet, to permit setbacks from the centerline of a street or roadway for a primary dwelling of 53 feet and 59 feet in lieu of the required 75 feet, to permit lot coverage of 15.31% in lieu of the allowed 15%, and to permit setbacks of zero feet and 3 feet in lieu of the required 2.5 feet for an accessory building; for proposed lot B (1834 Holly Neck Road) to permit a lot of .187 acres more or less in lieu of the required 1 acre, to permit side and rear lot line setbacks for a primary dwelling of 3 feet, 39 feet and 19 feet in lieu of the required 50 feet, to permit a setback from the centerline of a street or roadway for a primary dwelling of 48 feet in lieu of the required 75 feet, to permit lot coverage of 21.27% in lieu of the allowed 15%, to permit a setback of zero feet in lieu of the required 2.5 feet for an accessory building, and to permit an accessory building in a residence zone to be in the side yard in lieu of the rear yard; and for proposed lots A and B (1830 & 1834 Holly Neck Road) to permit an existing gross residential density of 3.38 units per acre in lieu of the permitted .687 units per acre.
Hearing: Thursday, April 1, 1999 at 10:00 a.m. in Room 407, County Courts Bldg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT,

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4388.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

3/205 March 11

C296538

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

3/11/

1999

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3/11/ 1999

THE JEFFERSONIAN,

S. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYL)
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 063032

DATE 2/19/99 ACCOUNT 001-6150

AMOUNT \$ 200.00 (WCR)

RECEIVED FROM: Romadka, Contrum & McLaughlin

FOR: 2 VARIANCE PETITIONS & 2 SPECIAL HEARING PETITIONS

1830 & 1834 Holly Neck Road Item 327

Drop-Off No Review Case #99-327-SPHA

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PROCESS ACTUAL TIME
2/22/1999 2/19/1999 16:29:14

REG 0803 CASHIER PWES PEW DRAWER 3

5 MISCELLANEOUS CASH RECEIPT

Receipt # 075979 OFLN

CM NO. 063032

200.00 CHECK

Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: CASE # 99-327-SPHA
PETITIONER/DEVELOPER:
(William J. Faber)
DATE OF Hearing
(APR. 1, 1999)

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Ave.
Towson, Maryland 21204

ATTENTION : MS. GWENDOLYN STEPHENS

LADIES AND GENTLEMEN:

This letter is to certify under the penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property located at
1830 & 1834 Holly Neck Road Baltimore, Maryland 21221_____

The sign(s) were posted on_____ 3-16-99 _____
[Month, Day, Year]

Sincerely,

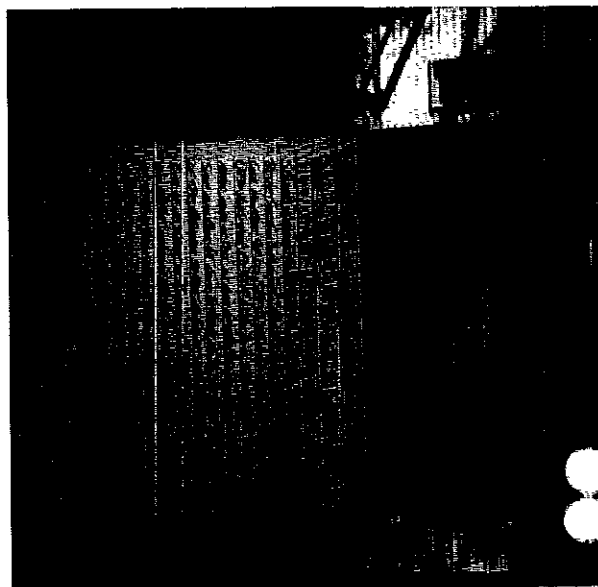
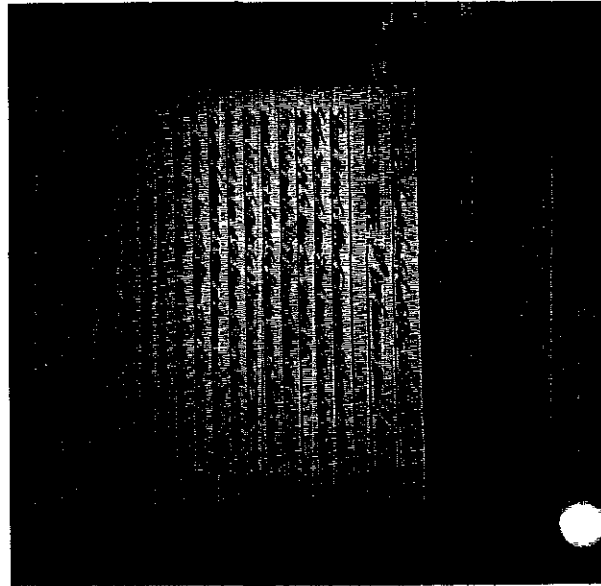

(Signature of Sign-Poster & Date)

_____ Thomas P. Ogle, Sr. _____

_____ 325 Nicholson Road _____

_____ Baltimore, Maryland 21221 _____

_____ (410)-687-8405 _____
(Telephone Number)





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

February 19, 1999

John B. Gontrum, Esquire
814 Eastern Boulevard
Baltimore, MD 21221

Dear Mr. Gontrum:

RE: Drop-Off Petition, Case No. 99-327-SPHA, 1830 & 1834 Holly Neck Road

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. Once a detailed review has been completed by the staff, those comments will be forwarded to you (hopefully before the hearing).

As Baltimore County is no longer responsible for posting properties, I have enclosed the proper form pertaining to this. The sign must contain the wording indicated on the "Zoning Notice" form and the certificate of posting must be completed by the poster and returned to this office.

If you have any questions regarding the above, please do not hesitate to contact Sophia Jennings at or myself 410-887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "WCR/scj".

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:scj

Enclosures

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICECase No.: 09-327-SPHA

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: _____

DATE AND TIME: _____

REQUEST: _____ SPECIAL HEARING to approve two undersized lots pursuant to
BCZR Section 304 and to amend special hearing petition in case
number 98-122-SPH to allow two separate lots. VARIANCE for
proposed lot A (1830 Holly Neck Road) to permit a lot of .292 acres
more or less in lieu of the required 1 acre, to permit side and rear
lot line setbacks of 25 feet and 38 feet in lieu of the required 50
feet, to permit setbacks from the centerline of a street or roadway
for a primary dwelling of 53 feet and 59 feet in lieu of the required
75 feet, to permit lot coverage of 15.31% in lieu of the allowed 15%,
and to permit setbacks of zero feet and 3 feet in lieu of the required
2.5 feet for an accessory building; for proposed lot B (1834 Holly
Neck Road) to permit a lot of .167 acres more or less in lieu of the
required 1 acre, to permit side and rear lot line setbacks for a
primary dwelling of 3 feet, 39 feet and 19 feet in lieu of the required
50 feet, to permit a setback from the centerline of a street or
roadway for a primary dwelling of 48 feet in lieu of the required 75
feet, to permit lot coverage of 21.27% in lieu of the allowed 15%, to
permit a setback of zero feet in lieu of the required 2.5 feet for an
accessory building, and to permit an accessory building in a
residence zone to be in the side yard in lieu of the rear yard; and for
proposed lots A and B (1830 & 1834 Holly Neck Road) to permit an
existing gross residential density of 3.38 units per acre in lieu of the
permitted .667 units per acre.

POSTPONEM _____

DO NO _____

ARY. _____

LAW _____



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

March 3, 1999

John B. Gontrum, Esquire
Romadka, Gontrum & McLaughlin
814 Eastern Boulevard
Baltimore, MD 21221

Dear Mr. Gontrum:

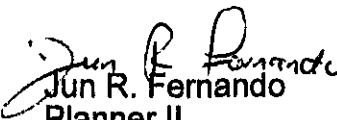
RE: Drop-Off Petition Review, Case Number 99-327-SPHA, 1830-34 Holly Neck Road

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

1. On site plans, change "98-1225PH" to "98-122-SPH".

If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Very truly yours,


Jun R. Fernando
Planner II
Zoning Review

JRF:scj

Enclosure (receipt)

c: Zoning Commissioner

Come visit the County's Website at www.co.ba.md.us





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

March 1, 1999

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-327-SPHA
1830 & 1834 Holly Neck Road
NWC Holly Neck and Maple Roads
15th Election District – 6th Councilmanic District
Legal Owner: William J. Faber

Special Hearing to approve two undersized lots pursuant to BCZR Section 304 and to amend special hearing petition in case number 98-122-SPH to allow two separate lots. Variance for proposed lot A (1830 Holly Neck Road) to permit a lot of .292 acres more or less in lieu of the required 1 acre, to permit side and rear lot line setbacks of 25 feet and 38 feet in lieu of the required 50 feet, to permit setbacks from the centerline of a street or roadway for a primary dwelling of 53 feet and 59 feet in lieu of the required 75 feet, to permit lot coverage of 15.31% in lieu of the allowed 15%, and to permit setbacks of zero feet and 3 feet in lieu of the required 2.5 feet for an accessory building; for proposed lot B (1834 Holly Neck Road) to permit a lot of .167 acres more or less in lieu of the required 1 acre, to permit side and rear lot line setbacks for a primary dwelling of 3 feet, 39 feet and 19 feet in lieu of the required 50 feet, to permit a setback from the centerline of a street or roadway for a primary dwelling of 48 feet in lieu of the required 75 feet, to permit lot coverage of 21.27% in lieu of the allowed 15%, to permit a setback of zero feet in lieu of the required 2.5 feet for an accessory building, and to permit an accessory building in a residence zone to be in the side yard in lieu of the rear yard; and for proposed lots A and B (1830 & 1834 Holly Neck Road) to permit an existing gross residential density of 3.38 units per acre in lieu of the permitted .667 units per acre.

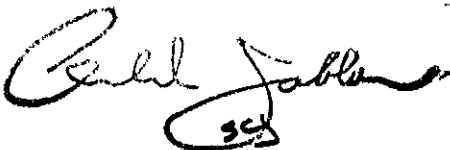
Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

NOTICE OF ZONING HEARING
Case Number: 99-327-SPHA
Page 2

HEARING: Thursday, April 1, 1999 at 10:00 a.m. in Room 407, County Courts
Building, 401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon". The signature is stylized with a large, looping "A" and a cursive "Jablon".

Arnold Jablon
Director

c: John B. Gontrum, Esquire
William J. Faber

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MARCH 17, 1999.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
March 11, 1999 Issue – Jeffersonian

Please forward billing to:

John B. Gontrum, Esquire
814 Eastern Boulevard
Baltimore, MD 21221

410-686-8274

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-327-SPHA
1830 & 1834 Holly Neck Road
NWC Holly Neck and Maple Roads
15th Election District – 6th Councilmanic District
Legal Owner: William J. Faber

Special Hearing to approve two undersized lots pursuant to BCZR Section 304 and to amend special hearing petition in case number 98-122-SPH to allow two separate lots. Variance for proposed lot A (1830 Holly Neck Road) to permit a lot of .292 acres more or less in lieu of the required 1 acre, to permit side and rear lot line setbacks of 25 feet and 38 feet in lieu of the required 50 feet, to permit setbacks from the centerline of a street or roadway for a primary dwelling of 53 feet and 59 feet in lieu of the required 75 feet, to permit lot coverage of 15.31% in lieu of the allowed 15%, and to permit setbacks of zero feet and 3 feet in lieu of the required 2.5 feet for an accessory building; for proposed lot B (1834 Holly Neck Road) to permit a lot of .167 acres more or less in lieu of the required 1 acre, to permit side and rear lot line setbacks for a primary dwelling of 3 feet, 39 feet and 19 feet in lieu of the required 50 feet, to permit a setback from the centerline of a street or roadway for a primary dwelling of 48 feet in lieu of the required 75 feet, to permit lot coverage of 21.27% in lieu of the allowed 15%, to permit a setback of zero feet in lieu of the required 2.5 feet for an accessory building, and to permit an accessory building in a residence zone to be in the side yard in lieu of the rear yard; and for proposed lots A and B (1830 & 1834 Holly Neck Road) to permit an existing gross residential density of 3.38 units per acre in lieu of the permitted .667 units per acre.

HEARING: Thursday, April 1, 1999 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



LAWRENCE E. SCHMIDT, ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

March 25, 1999

John B. Gontrum, Esq.
814 Eastern Boulevard
Baltimore, MD 21221

RE: Case No.: 99-327-SPHA
Petitioner: William J. Faber
Location: 1830 & 1834 Holly Neck Rd

Dear Mr. Gontrum:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on February 19, 1999.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." followed by a stylized flourish.

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures



INTEROFFICE CORRESPONDENCE

ZONE0301.327



Baltimore County
Fire Department

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

March 11, 1999

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF FEBRUARY 29, 1999

Item No.: See Below

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

3. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

315, 316, 317, 319, 321, 325, 326, (327) 328, AND 329

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Come visit the County's Website at www.co.ba.md.us

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

Date: March 15, 1999

TO: Arnold Jablon
FROM: R. Bruce Seeley *RB/JS*
SUBJECT: Zoning Item #327

Faber Property - 1830 & 1834 Holly Neck Road

Zoning Advisory Committee Meeting of March 1, 1999

- The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.
- X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
 - Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).
 - Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).
 - X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).



**Baltimore County
Fire Department**

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

March 11, 1999

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF FEBRUARY 29, 1999

Item No.: See Below

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

3. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

315, 316, 317, 319, 321, 325, 326, 327, 328, AND 329

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

Date: 2.26.99

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 327 WCR

Dear Ms Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Mr Michael M. Lenhart, Acting Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: March 3, 1999

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: 1830-1834 Holly Neck Road

INFORMATION:

Item Number: 327

Petitioner: William Farber

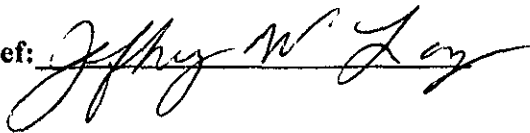
Zoning: RC-5

Requested Action: Special Hearing & Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the requested lot line adjustment to create two undersized lots that correspond to the location of the two existing homes on the subject lots.

Section Chief:



AFK/JL:

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: March 17, 1999

TO: Larry E. Schmidt
Zoning Commissioner

FROM: James H. Thompson - RC
Code Enforcement Supervisor

SUBJECT: ITEM NO.: 327
PETITIONER: William J. Faber

VIOLATION CASE NO.: 97-3806

LOCATION OF VIOLATION: NWC Holly Neck and Maple Roads
(1830 and 1834 Holly Neck Road)
15th Election District

DEFENDANT(S): William J. Faber

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s):

NAME

ADDRESS

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Code Enforcement Supervisor, so that the appropriate action may be taken relative to the violation case.

JHT/rc/lmh

RE: PETITION FOR SPECIAL HEARING
PETITION FOR VARIANCE
1830 - 1834 Holly Neck Road, NWC Holly Neck &
Maple Rds, 15th Election District, 6th Councilmanic

Legal Owners: William J. Faber

Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case Number: 99-327-SPHA

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th March day of ~~February~~, 1999, a copy of the foregoing Entry of Appearance was mailed to John B. Gontrum, Esq., Romadka, Gontrum & McLaughlin, 814 Eastern Blvd., Baltimore, MD 21221, attorney for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN

ROMADKA, GONTRUM & McLAUGHLIN, P.A.

814 Eastern Boulevard
Baltimore, Maryland 21221

(410) 686-8274
(410) 686-0118 FAX

ROBERT J. ROMADKA
JOHN B. GONTRUM
J. MICHAEL McLAUGHLIN, JR.*

* Also Admitted In the District of Columbia

January 10, 1999

Mr. Carl Richards
Zoning Supervisor
Department of Permits and Development Management
County Office Building
111 W. Chesapeake Ave.
Towson, Maryland 21204

Re: Petitions for Special Hearing and
Variance - 1830 and 1834 Holly Neck
Road

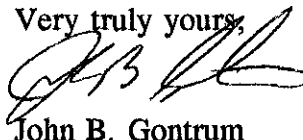
Dear Mr. Richards:

The attached Petitions for Variance and Special Hearing have been reviewed both by John Alexander and by John Lewis. The most recent review was last Thursday the 7th instant.

The site is not the subject of a violation hearing. In fact, the attached petitions are being filed at the suggestion of the Hearing Officer Timothy Kotroco, who heard a previous non-conforming use case, Case No. 98-122 SPH. He has also requested having the hearings set in front of him, for he is familiar with the property.

We recognize the forms have changed since they were signed by our client. Our client is very elderly, however, and we have some difficulty in having him available to us to sign the forms due to poor health. As you will note, the issue of what to request has been the matter of some debate, and hopefully we have it straightened out at this time, and we would appreciate your indulgence in allowing us to proceed with the old forms. It would be a true hardship to have Mr. Faber resign the forms.

Very truly yours,



John B. Gontrum

→ Per WCR, new
forms must be
filed before hearing.

2/19/99 TC to
atty to notify
of above

99-327-SPHA

ROMADKA, GONTRUM & McLAUGHLIN, P.A.

814 Eastern Boulevard
Baltimore, Maryland 21221

(410) 686-8274
(410) 686-0118 FAX

ROBERT J. ROMADKA
JOHN B. GONTRUM
J. MICHAEL McLAUGHLIN, JR.*

* Also Admitted In the District of Columbia

February 17, 1999

MEMORANDUM RE: FABER

TO: CARL RICHARDS, ZONING SUPERVISOR

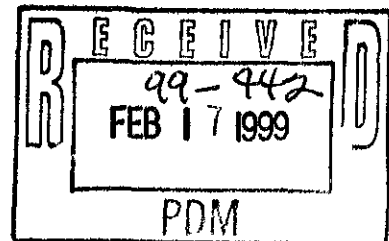
FROM: JOHN GONTRUM

ATTACHED ARE REVISED PETITIONS AND SITE PLANS ACCORDING TO YOUR SUGGESTIONS FROM OUR PREVIOUS SUBMITTAL TO YOU IN JANUARY. I BELIEVE THAT WE HAVE INCORPORATED THE REQUIRED CHANGES YOU SUGGESTED.

WE WOULD APPRECIATE YOUR ACCEPTANCE OF THESE PETITIONS FOR PROCESSING. THANK YOU FOR YOUR REVIEW AND CONSIDERATION.

2/19/99 - TC to John Gontum
New Forms Must Be Submitted Prior to Hearing per wcp

OK-ucg 2/19/99
DROP OFF
No Review



99-327-SPHA

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

William J. Faber
1315 OLD EASTER AVE

Michael Flynn

2108 Poplar Rd.

Keith Roberts
rep. Holly Neck Imp Assn.
+ BRNPCA

1910 MARSH RD. 21221

Bill Bafitis, Jr.

1249 ENGLEBERTH RD.
Essex Md. 21221

Clyde F. Hinkle, Jr.

Bafitis & Assoc. Inc.
1249 Engleberth Rd.
Baltimore, Md. 21221



LOCATION

1830 HOLLY NECK ROAD

HOLLY NECK

WTS

NECK

YOUTH

CEDAR

PO

ROAD

PRIVATE

55,500

44-327-SPHA

R.C. 20

HOLLY

ROAD

R.C. 20

MAPLE

CEDAR

SITE
RC 5

POINT OF BEGINNING

SCALE

1" = 200' ±

DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION

SHEET

S.E.
2-J

HOLLY NECK

1830 & 1834 HOLLY NECK ROAD

99-327-SPHA

7000

20,000

GENERAL NOTES

1. This site is situated within the Chesapeake Bay Critical Areas and is classified by land use as Limited Development Area (L.D.A.).
2. The Flood Insurance Rate Map indicates a flood elevation of "10" for this site which is situated in Zone 1 (Panel 435).
3. Existing structures to remain unless otherwise noted.
4. The lots on this site utilize public pressure sewer.
5. This site is served by a public water main.
6. Topography shown hereon is field run, March 1988.
7. There are no tidal or non-tidal wetlands or streams on this site.
8. There are no buildings or property on this site that is included on the Maryland Historical Trust Inventory, the Baltimore County Landmarks Commission Preliminary or Final Landmarks List, the National Register of Historic Places, the Maryland Archeological Survey or is a Baltimore County Historical District.
9. There is no significant plant or animal habitat on this site.
10. Existing downspouts from structures are discharged onto the ground surface and drain across lawn areas.
11. This site does not contain any designated forest.
12. There have been no previous zoning hearings for this site.
13. There are no known underground tanks on this site.
14. This property as shown on the plan has been held tract since 1963. The developer's surveyor has confirmed that no part of the gross area of this property as shown on the plan has ever been utilized, recorded or presented as density or area to support any off-site dwellings.
15. Two (2) lots currently exist on this site as shown on the plot of Cedar Beach, Section One (WPC 7, Part 2-186). Since 1982 two dwellings were constructed on this site without regard to the existing lot lines. It is the purpose of this project to resubdivide the property into two lots so that one dwelling is situated on each lot.
16. No new construction is proposed except for party wall in garage.
17. There are no Tidal or Riverine Flood Plains on this site.

ZONING HISTORY

Case No. 98-122 SPH
Requested: Approval of two (2) dwellings on the above property, zoned RC-5 and approval of the(5), apartments on subject property as legal nonconforming use.

Decision:

RESOLVED: IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 24th day of November, 1997 that the Petition for Special Hearing seeking approval of two (2) dwellings (five (5) apartments) on one parcel, zoned R.C.5, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petitioner shall convert the property, from a multi-family use to a single family use. The Petitioner shall have ninety (90) days from the date of this Order to convert the two multi-family dwellings and to a single family use within ninety (90) days of the date of this Order. That is, each dwelling shall have only one (1) family residing therein and the use of each dwelling as a multi-family residence shall cease and terminate.

IT IS FURTHER ORDERED that the Petitioner shall have thirty (30) days from the date of this order to file an appeal of this decision.

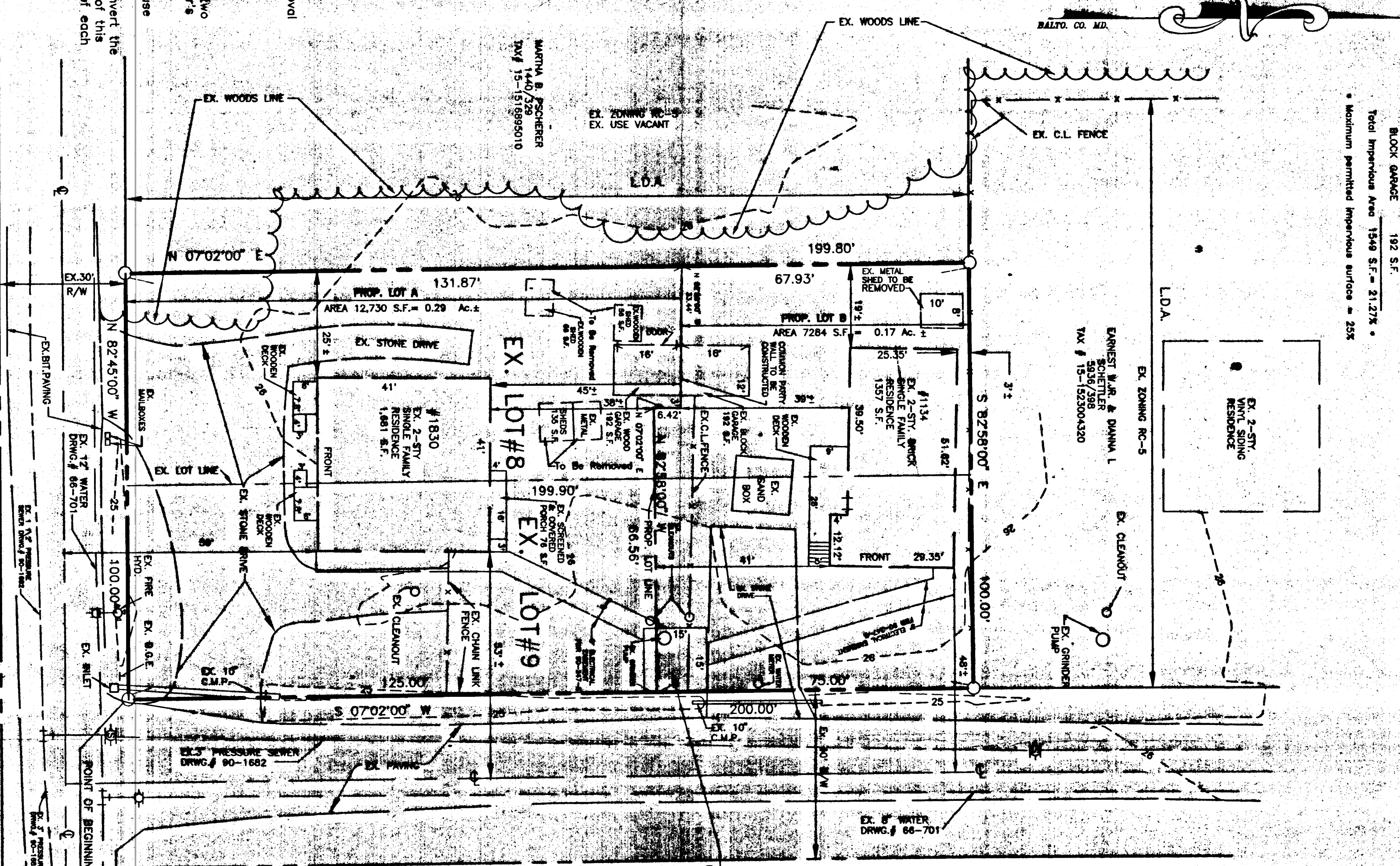
THOMAS M. KOTROCK
Deputy Zoning Commissioner
for Baltimore County

SOILS DATA

TYPE	SERIES	WITH BASEMENT	WITHOUT BASEMENT	STREETS/PARKING LOT	CLASS
B1	BARCLAY	Severe high water Severe medium water Severe low water Severe very low water	Severe high water Severe medium water Severe low water Severe very low water	Severe high water Severe medium water Severe low water Severe very low water	C

BARCLAY Silt Loam

PROPOSED LOTS
(PROPOSED CONDITIONS)
LOT A
RESIDENCE 1481 S.F.
WOODS 182 S.F.
Total Impervious Area 1663 S.F. = 15.31%
LOT B
RESIDENCE 1357 S.F.
WOODS 182 S.F.
Total Impervious Area 1539 S.F. = 21.27%
Maximum permitted impervious surface = 25%



VARIANCES REQUESTED

- PROPOSED LOT A:
1. FROM SECTION 1404.38.1 TO PERMIT CREATION OF A LOT OF 232 ACRES MORE OR LESS IN LIEU OF THE REQUIRED 1 ACRE.
 2. FROM SECTION 1404.38.3 TO PERMIT SIDE AND REAR LOT LINE SETBACKS FOR A PRIMARY DWELLING OF 25 AND 38' IN LIEU OF THE REQUIRED 50'.
 3. FROM SECTION 1404.38.3 TO PERMIT SETBACKS FROM THE CENTERLINE OF A STREET OR ROADWAY FOR A PRIMARY DWELLING OF 53 AND 59' IN LIEU OF THE REQUIRED 75'.
 4. FROM SECTION 1404.38.4 TO PERMIT LOT COVERAGE OF 15.31% IN LIEU OF THE REQUIRED 15%.
 5. FROM SECTION 400.1 TO PERMIT SETBACKS OF 2 AND 3' IN LIEU OF THE REQUIRED 2.5' FOR AN ACCESSORY BUILDING.
- PROPOSED LOT B:
1. FROM SECTION 1404.38.1 TO PERMIT CREATION OF A LOT OF 117 ACRES MORE OR LESS IN LIEU OF THE REQUIRED 1 ACRE.
 2. FROM SECTION 1404.38.3 TO PERMIT SIDE AND REAR LOT LINE SETBACKS FOR A PRIMARY DWELLING OF 21, 38 AND 19' IN LIEU OF THE REQUIRED 50'.
 3. FROM SECTION 1404.38.3 TO PERMIT SETBACK FROM THE CENTERLINE OF A STREET OR ROADWAY FOR A PRIMARY DWELLING OF 48' IN LIEU OF THE REQUIRED 75'.
 4. FROM SECTION 1404.38.4 TO PERMIT LOT COVERAGE OF 21.27% IN LIEU OF THE REQUIRED 15%.
 5. FROM SECTION 400.1 TO PERMIT AN ACCESSORY BUILDING IN A RESIDENCE ZONE TO BE IN THE SIDEYARD IN LIEU OF THE REAR YARD.
- ON BOTH PROPOSED LOTS A AND B:
1. FROM SECTION 1404.38.1 TO PERMIT AN EXISTING GROSS RESIDENTIAL DENSITY OF 3.38 UNITS PER ACRE IN LIEU OF THE PERMITTED 0.687 UNITS PER ACRE.

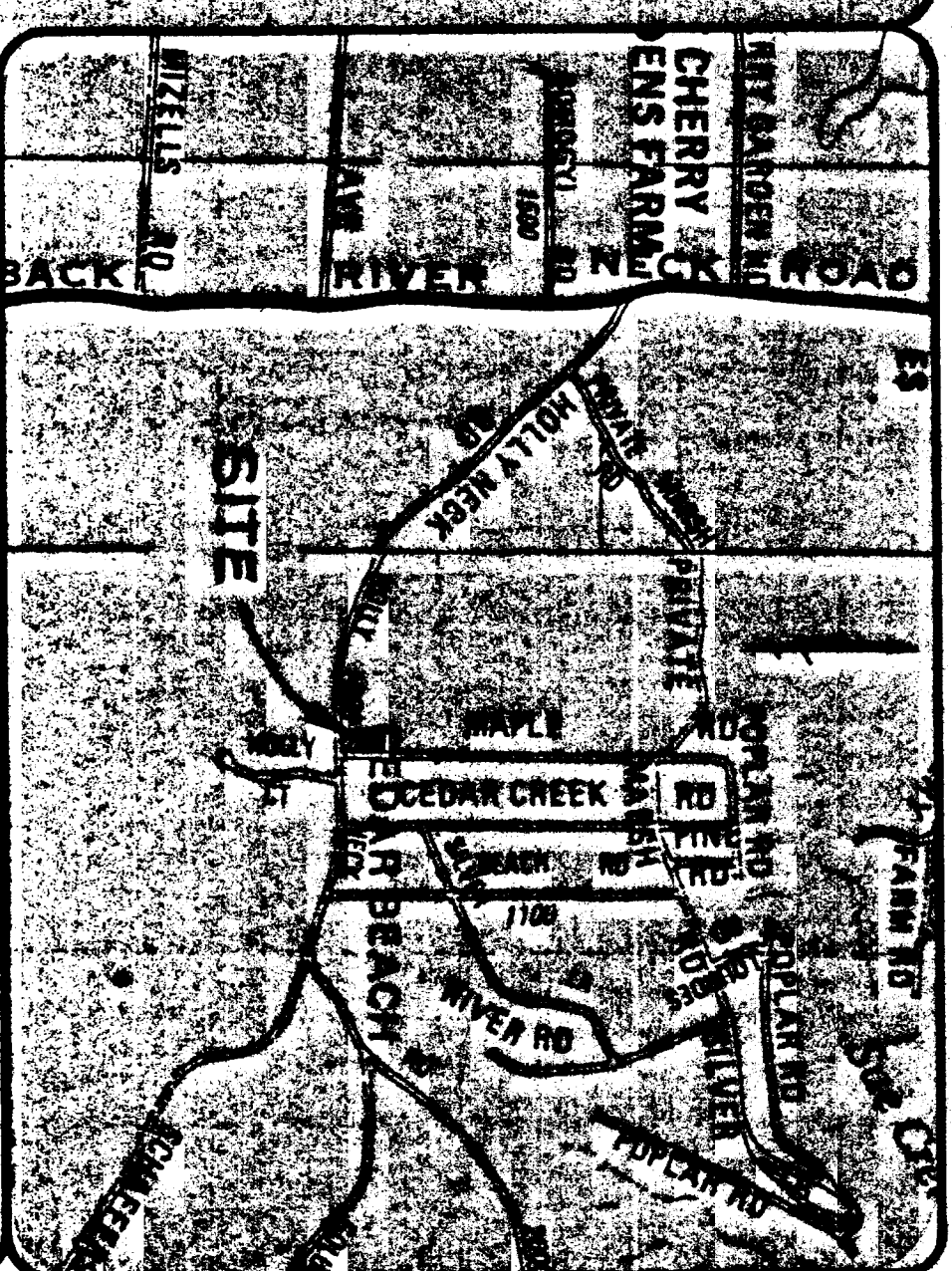
SPECIAL HEARING

SPECIAL HEARING TO OBTAIN TWO UNDERSIZED LOTS PURSUANT TO SECTION 304 AND TO VARY SPECIAL HEARING PERMITTING AND ORDER AND ALSO plan for nonconforming use for two existing single family dwellings in zone RC-5 98-122SPH to allow two separate lots.

THOMAS M. KOTROCK
Deputy Zoning Commissioner
for Baltimore County

VICINITY MAP

(SCALE 1" = 1000')



SITE DATA

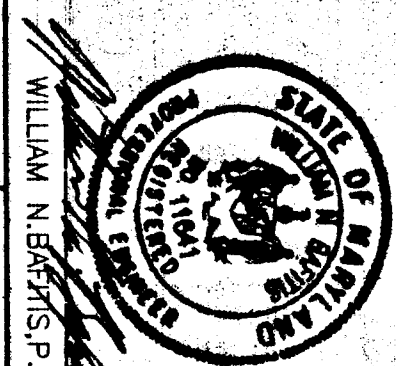
Owner: William J. & Lulu M. Fober
3215 Old Eastern Avenue
Baltimore, MD 21208
Telephone: 410-687-6006
Dead Ref: 4145/093
Subdivision: Plat: Cedar Beach/Section One(WPC 7, Part 2-186)
Tax account #: 1506000461
Tax Map Number: 105
Election District: 15th
Councilmanic District: 6th
Zoning Map No.: S.E. 2-4
Existing Zoning: RC-5
Area Of Site: 19,990 S.F. or 0.4589 Ac.
Gross Area of Site: 25,790 or 0.5921 Ac.
Density: 3.38
Existing Number of Lots = 2
Permitted Density 0.687 Lots/Acre = 0.687 x 0.5921 = 0.395 Lots
Proposed Number of Lots = 2
Critical Area Regulations permit a maximum of 2.04 x 0.4589 = 0.9184 lots
School District: Middleborough Ele. Deep Creek Mid. Chesapeake Sr. Campus Tract: 4310
Regional Planning District: 328
Watershed: 21
Subwatershed: 81

Barclay & Associates, Inc.

1249 Englebert Rd. Baltimore, MD 21221
(410) 391-2336

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE AND SPECIAL HEARING FOR #1830 & 1834 HOLLY NECK ROAD

15th ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND



NO. 1
REVISIONS
DATE: 11-03-98
JOB ORDER NO: 98008
SCALE: 1" = 20'

98-122-SPH